

MACOMB TOWNSHIP PLANNING COMMISSION
MINUTES OF A REGULAR MEETING AND PUBLIC HEARING
HELD TUESDAY, MAY 4, 2004

LOCATION: MACOMB TOWNSHIP MEETING CHAMBERS
54111 BROUGHTON ROAD
MACOMB, MICHIGAN 48042

PRESENT: EDWARD GALLAGHER, CHAIRMAN
MICHAEL D. KOEHS, SECRETARY
MEMBERS: DEAN AUSILIO
ROGER KRZEMINSKI
KENNETH MEERSCHAERT, SR.
JOA PENZIEN
ARNOLD THOEL

ABSENT: None.

ALSO PRESENT: Jerome R. Schmeiser, Community Planning Consultant
Larry Dloski, Township Attorney
(Additional attendance on file with Clerk)

Call Meeting to order.

Chairman GALLAGHER called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

1. Roll Call.

Clerk KOEHS called the Roll. All Members present.

2. Approval of Agenda Items. (*With any corrections*)

MOTION by AUSILIO seconded by PENZIEN to approve the agenda as presented.

MOTION carried.

3. Approval of the April 20, 2004 previous Meeting Minutes.

MOTION by KRZEMINSKI seconded by PENZIEN to approve the April 20, 2004 previous Meeting Minutes.

MOTION carried.

AGENDA ITEMS:

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4. Ground Sign; Flagstar Bank; Located on the north side of Hall Road approximately 690 feet west of Heydenreich Road; Gardner Signs, Petitioner. Permanent Parcel No. 08-33-478-002.

Jerome R. Schmeiser, Community Planning Consultant, reviewed the findings and recommendations for approval.

Petitioner Present: Scott Gardner of Gardner Signs.

Public Portion: None.

MOTION by KRZEMINSKI seconded by THOEL to approve the Ground Sign; Flagstar Bank; Permanent Parcel No. 08-33-478-002. This motion is based upon the Planning Consultants recommendations as follows:

1. That Section 10.0319 of the Zoning Ordinance be met.
2. That a \$500.00 cash bond be posted assuring the construction of the sign as approved.
3. That the location of the sign be approved by the Water/Sewer Department.

MOTION carried.

5. Ground Sign; \$2 Car Wash; Located on the northeast corner of Hall Road and Romeo Plank Road (excluding the immediate corner); Reliable Signs, Petitioner. Permanent Parcel No. 08-33-353-002.

Jerome R. Schmeiser, Community Planning Consultant, reviewed the findings and recommendations for approval.

Petitioner Present: Jim McLaughlin of Reliable Signs Service, Inc.

Public Portion: None.

MOTION by AUSILIO seconded by PENZIEN to approve the site plan for the Ground Sign; \$2 Car Wash; Permanent Parcel No. 08-33-353-002. This motion is based upon the Planning Consultants recommendations as follows:

1. That Section 10.0319 of the Zoning Ordinance be met.
2. That a \$500.00 cash bond be posted assuring the construction of the sign as approved.

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3. **That the location of the sign be approved by the Water/Sewer Department.**

MOTION carried.

6. Tentative Preliminary Plat; Portofino Villas Subdivision; Located on the west side of Card Road; ½ mile north of 23 Mile Road; Prestwick Enterprises, Petitioner. Permanent Parcel No. 08-15-426-004.

Jerome R. Schmeiser, Community Planning Consultant, reviewed the findings and recommendations for approval.

Petitioner Present: Raj Khatri of R.K. Engineering Associates, Inc.

Public Portion: None.

The Members of the Board reviewed the request.

MOTION by KOEHS seconded by AUSILIO to forward the recommendation to the Township Board of Trustees to approve the Tentative Preliminary Plat; Portofino Villas Subdivision; with the understanding that the correction will be made to the plat to indicate that the 20' landscape easement is defined properly for ownership and maintenance. Permanent Parcel No. 08-15-426-004. This motion is based upon the Planning Consultants recommendations as follows:

1. **The petitioner submits evidence to the satisfaction of the Township Engineer that required approvals have been secured from the following agencies in compliance with Sections 17-87 to 17-90 of Chapter 17 of Macomb Township Code of Ordinances, Land Division Regulations;**
 - a. **Macomb County Road Commission**
 - b. **Office of Public Works Commission of Macomb County**
 - c. **Macomb County Health Department**
 - d. **Macomb County Planning Commission**
 - e. **Michigan Department of Environmental Quality**
 - f. **All public utility companies affected.**
 - g. **That a by-pass lane(s) be developed on the abutting major road(s) subject to the approval of the Macomb County Road Commission and the Township Engineer.**
2. **The Township Engineer approves all engineering plans for the computed plat.**

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3. That the detention area meet the requirements of the Township Engineers and any Special Assessment District (SAD) be approved by the Township Board.
4. Further, that the Township Engineer be satisfied that those conditions imposed as part of the tentative plat approval have been met.
5. That all lots within the Tentative Preliminary Plat meet the requirements of the Township Zoning Ordinance.
6. Flood Plain Map Amendments and/or Requirements. Please be advised that it is the responsibility of the applicant to seek and obtain any map revisions or amendments to the flood plain map as prepared by FEMA, through the Michigan Department of Environmental Quality (MDEQ). Further, MDEQ must review and approve any amendments or map revisions that reflect the lower amendment on the flood plain map prior to the issuance of any building permits.
7. That the petitioner comply with all pertinent codes and ordinances, and guarantee that dimensions, acreage, figures, and recorded easements in connection with this plat are true and accurate as they provide the basis for this recommendation.
8. That a bond in an amount determined by the estimates prepared by a registered landscape architect and approved by the Township Consulting Engineer be posted assuring the development of the "landscape easement." The "landscape easement" is that area to be labeled on the plat as, "The entire common area is subject to a private easement dedicated to the ownership association for landscaping." The bond must be posted with the Macomb Township Treasurer prior to the acceptance of the application for Final Preliminary Plat.
9. That the tentative preliminary approval expires one year from the date of Township Board approval. It is not the responsibility of Macomb Township to notify the petitioner prior to the expiration date of this approval. Please make note of the above date. Any application for extension must be received by this office prior to the expiration date.
10. All street names are cleared by the Township Supervisor for purposes of continuity prior to preparation of the final plat. That the petitioner submits 2 copies of the plat to the Supervisors office for addressing. Addresses will be assigned after the final preliminary plat approval by the Township Board.

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11. That the petitioner submits 2 copies of the restrictive covenants that will be recorded with the plat. The Restrictive Covenants must include an article to provide for the perpetual maintenance of all limited common areas that may include regulated wetlands, landscape areas, and floodplains. The covenants must be submitted with the application for Final Preliminary Plat.
12. That the “20’ common area for landscaping purposes” be developed in accordance with the provision of the Land Division Act of Macomb Township. A plan for the area must be prepared by a registered landscape architect and include a layout of plants proposed for the area, an irrigation system, including sprinklers, mulching material for planting beds and details for the installation of all features of the plan. Also to be included is a cost estimated for the development of the area. Said cost list to be prepared by the registered landscape architect who prepared the plan. The 20 feet easement cannot be planted with any trees that exceed 15 feet in height at full maturity. The trees to be planted are limited to the following list: Burning bush, Forsythia, Common Lilac Dwarf, Dwarf Hinoki, False Cypress, Arborvitae and Rhododendron.

If a ‘phasing plan’ has not been submitted it is assumed that this subdivision will be developed in one phase. Please be advised that any revisions to the phasing plan for this plat must be reviewed and approved by the Planning Commission and Township Board and incorporated into the Tentative Preliminary Plat as a Revised Tentative Preliminary Plat.

MOTION carried.

7. Final Preliminary Plat; Twin Rivers Subdivision Phase 1 (156 Lots); Located on the east side of Romeo Plank Road approximately 1000 feet north of Hall Road; Vincent DiLorenzo, Petitioner. Permanent Parcel No. 08-33-376-014.

Jerome R. Schmeiser, Community Planning Consultant, reviewed the findings and recommendations for approval.

Petitioner Present: Vincent DiLorenzo

Mr. DiLorenzo held further discussion with the Members of the Board, Township Attorney and Community Planning Consultant.

Public Portion: Several residents addressed their concerns regarding safety issues, emergency access concerns, traffic concerns, construction access, signage regarding construction vehicle traffic, suggested that the Township persuade the County to place weight limit signage on Riverwoods Drive, and suggested that a bond if possible be

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submitted by the developer for future damages that may occur from this construction traffic.

The Board further reviewed the request and addressed their concerns. Member AUSILIO addressed his concerns regarding construction access. Member THOEL reviewed his concerns regarding future phasing of the plat, access concerns and the bridge for Delta Drive.

Larry Dloski, Township Attorney, discussed his opinion from a legal standpoint as to how the Township Board cannot prohibit anyone from using a public road. "It's my understanding that the petitioner has acquired property, the Township Engineers have reviewed the legal description of that road (*the construction road*) and they've approved that legal description of that construction road. So all those other issues will be addressed by the Board and the Planning Commission if that second and third phase of the plat ever comes back to the Township." Mr. Dloski stated "There's no legal requirement that phase two or phase three ever be constructed." And so for this Board to condition approval of this plat on construction for phase two and phase three would be absolutely illegal. It would violate every ordinance in the Township."

MOTION by KOEHS seconded by MEERSCHAERT to table the request for two weeks until the next meeting on May 18, 2004 for review and research by our traffic engineer for the suitability of the access and also that the traffic engineer be present for questions.

MOTION carried.

OLD BUSINESS:

8. Extension of Time; Site Condominium Preliminary Plan; Regency Commerce Center Phase I & II, Antonio Cavaliere, Petitioner. Section 17 (*Plat Expires June 11, 2004*)

MOTION by AUSILIO seconded by PENZIEN to approve the Extension of Time for one year to expire on June 11, 2005 for the Site Condominium Preliminary Plan; Regency Commerce Center Phase I & II. Section 17.

MOTION carried.

9. Extension of Time; Tentative Preliminary Plat; The Bluffs of Beaufait Farms Phase II. Section 35. (*Plat expires May 8, 2004*)

MOTION by KRZEMINSKI seconded by AUSILIO to forward the recommendation to the Township Board of Trustees to approve the Extension of

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Time; Tentative Preliminary Plat; The Bluffs of Beaufait Farms for two years to expire May 8, 2006. Section 35.

MOTION carried.

10. Extension of Time; Tentative Preliminary Plat; Bellagio Subdivision. Section 6.
(Plat expires May 14, 2004)

MOTION by KRZEMINSKI seconded by MEERSCHAERT to forward the recommendation to the Township Board of Trustees to approve the Extension of Time; Tentative Preliminary Plat; Bellagio Subdivision for two years to expire May 14, 2006. Section 6.

MOTION carried.

11. Motion to receive and file all correspondence in connection with this agenda.

MOTION by AUSILIO seconded by PENZIEN to receive and file all correspondence in connection with this agenda.

MOTION carried.

PLANNING CONSULTANTS COMMENTS: None.

BOARD COMMENTS: None.

ADJOURNMENT:

MOTION by AUSILIO seconded by MEERSCHAERT to adjourn this meeting at 9:07 P.M.

MOTION carried.

Respectfully submitted,

Edward Gallagher, Chairman

Michael D. Koehs, Secretary

Minutes prepared by: Michael D. Koehs, Township Clerk
MDK/gmb